THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.15320 of 2006

ORDER:

This writ petition is filed seeking a Mandamus declaring the letter No.EE/SRSP-II/Div.2/Wgl./DB/HD/N-3/490/A/M, dated 15.7.2006 issued by the fourth respondent as null and void, violative of principles of natural justice and consequently direct the respondents to consider the representations of the petitioner dated 10.12.2004, 25.4.2005, 24.6.2006 and 18.7.2006.

It appears, the petitioner was entrusted with the work of excavation of Kakatiya Main Canal from KM 328.00 to 329.00, which passes through Kodakandla village, Warangal district. During the excavation of canal, the hard rock was struck and the same requires to be taken out after controlled blasting. The controlled blasting and the rates for excavation of hard rock were not the subject matter of agreement between the parties. Therefore, the petitioner made a representation to the authorities concerned. The Principal Secretary to Government, Irrigation & CAD Department personally visited and inspected the site and directed the first respondent to proceed with the work with controlled blasting in the chainages from KM 328.400-KM 328.700 and from KM.328.850 KM 328.910 and also directed to incorporate the extra financial implications due to controlled blasting in the revised estimate. Thereafter, the Superintending Engineer, AMRP Circle-I, Nalgonda prepared the revised estimate fixing the rates for excavation of hard rock through his letter dated 25.2.2006. Subsequently, the third respondent through his letter dated 12.6.2006 intimated the petitioner to resume the left over works i.e. excavation of hard rock and construction of structure of the reach immediately. It was further made clear in the said letter that the rate for controlled blasting for hard rock is worked out as per the SSR rates in force and the same

was submitted to the Superintending Engineer for sanction. It appears, the petitioner has not resumed the works. Therefore, on 20.6.2006 the fourth respondent addressed a letter to the petitioner under Clause 61 of P.S. to A.P. Standard Specifications asking him to resume the works within 14 days and on failure to do so, the department will enter upon the site and take over the work and the expenditure caused to the Government in completing the balance work by another agency will be recovered from the petitioner. Further, when the petitioner failed to take up the work, a letter dated 15.7.2006 was addressed to him asking him to be present on the site as the closing measurements were being taken.

The grievance of the petitioner is that though the letter dated 12.6.2006 was received by him, the letter did not contain the rates mentioned in the counter affidavit filed by the respondents, therefore he was not aware what is the exact rate fixed by the respondents.

In the counter affidavit filed by the respondents, the respondent authorities have stated the controlled blasting rate per cubic metre, and if the rate is acceptable, the petitioner may resume the work and when he did not resume the work, a notice was issued informing that action will be taken as per clause 61 of PS to APSS.

Having regard to the above, I am of the opinion that the dispute as regards the rates per cubic metre for extracting hard rock by way of controlled blasting cannot be adjudicated in this writ petition. Maybe, the petitioner vide letter dated 12.6.2006 was not informed about the SSR rates as fixed by the respondents, but in the counter affidavit, the respondents have made it clear that SSR rate per cubic metre for excavation of hard rock under controlled blasting system was fixed and if the petitioner is intending to continue the work, he can file a petition before the authorities concerned. Otherwise, the respondents are at liberty to proceed with the matter as per law.

In view of the averments made in the counter, the writ petition is

disposed of giving liberty to the petitioner to approach the authorities concerned with a petition, if so advised. No order as to costs.

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C.V.RAMULU, J

Date: 28.9.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.15320 of 2006

28.9.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.15320 of 2006

Date: 28th September, 2006

Between:

PMR Infrastructures Private Ltd.,
represented by its Managing Director
P.Mohan Reddy.

.. Petitioner

And

The Government of Andhra Pradesh,
represented by its Secretary,
Irrigation & Command Area Development
Department, Secretariat, Hyderabad & others.

.. Respondents